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6 Attorneys for Defendant  
7 Simon Yuan

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,  
12 Plaintiff,  
13 v.  
14 SIMON S. YUAN,  
15 Defendant.

**Case No. CR-07-0338-JF**  
**STIPULATION AND [PROPOSED]**  
**ORDER RE-SCHEDULING**  
**SENTENCING HEARING**

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17 IT IS HEREBY STIPULATED between the parties that the defendant's sentencing hearing,  
18 currently scheduled for Wednesday, October 3, 2007 at 9:00 a.m. shall be vacated, and subject to the  
19 approval of the Court, a new sentencing hearing date of Wednesday, December 5, 2007 at 9:00 a.m.

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1 shall be set. The parties respectfully request the Court continue the sentencing for preparation of the  
2 Presentence Report.

3 It is so stipulated.

4 Dated: September 28, 2007

Respectfully submitted,

5 BAKER & McKENZIE LLP

6  
7 By: /s/  
8 Scott H. Frewing  
Attorneys for Simon Yuan

9 Dated: September 28, 2007

10  
11 By: /s/  
12 Cynthia Stier  
Assistant U.S. Attorney

13 Pursuant to General Order No. 45, Section X(B), Scott H. Frewing hereby attests that the  
14 signatory's concurrence in the filing of this document has been obtained.

15  
16 **It is so ORDERED.**

17  
18 Dated: \_\_\_\_\_

By: \_\_\_\_\_  
19 JEREMY FOGEL  
20 UNITED STATES DISTRICT JUDGE